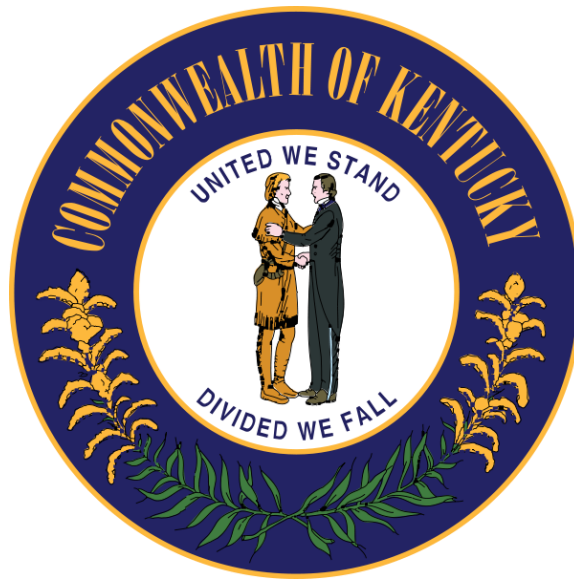


LAWS AND REGULATIONS RELATING TO LICENSED DIABETES EDUCATORS



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DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this professions, please visit <http://lrc.ky.gov>.

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KENTUCKY REVISED STATUTES

309.325 Definitions for KRS 309.325 to 309.339.

As used in KRS 309.325 to 309.339, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Licensed Diabetes Educators;
- (2) "Diabetes education" means a comprehensive collaborative process through which people with or at risk for diabetes gain the knowledge and skills needed to modify behavior and successfully self-manage the disease and its related conditions;
- (3) "Licensed diabetes educator" means a health care professional who has met the requirements of KRS 309.335, 309.337, and 309.339 and who focuses on training or educating people with or at risk for diabetes and related conditions to change their behavior to achieve better clinical outcomes and improved health status. The nondiabetes educator health professional and the nonhealth-care professional who provide or support health care services to individuals with diabetes as defined by the American Association of Diabetes Educators, Competencies for Diabetes Educators, shall work under the direction of a qualified diabetes care provider;
- (4) "Practice of diabetes education" means assessing and developing a plan of care for a person with or at risk of diabetes, identifying self-management goals for the person, providing self-management training according to the plan, evaluating the individual's outcome and recording a complete record of the individual's experience and follow-ups;
- (5) "Apprentice diabetes educator" means a person who holds a permit issued by the board to practice diabetes education who meets the requirements of KRS 309.334 and the corresponding administrative regulations promulgated by the board; and
- (6) "Master licensed diabetes educator" means a licensed diabetes educator who has successfully completed the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators as a certified diabetes educator or a board-certified advanced diabetes manager.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 118, sec. 1, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 142, sec. 1, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 87, sec. 1, effective June 8, 2011.

309.327 Use of "licensed diabetes educator" or substantially similar title -- Application and construction of KRS 309.325 to 309.339. (Effective until July 1, 2014)

- (1) No person shall use the title "licensed diabetes educator" or hold himself or herself out as a "licensed diabetes educator" or a title substantially similar, or engage in the practice of diabetes education, display a sign or in any other way advertise or present himself or herself as a person who practices diabetes education unless he or she holds a current, unsuspended and unrevoked license issued by the board pursuant to KRS 309.325 to 309.339.
- (2) Nothing in KRS 309.325 to 309.339 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists or students in accredited training programs in those professions, and nothing in KRS 309.325 to 309.339 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.325 to 309.339 shall be construed to alter, amend, or interfere with the practice of those who provide health care services, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists.
- (4) Nothing in KRS 309.325 to 309.339 shall apply to activities and services of an accredited institution of higher education as part of a program of studies.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 142, sec. 2, effective July 12, 2012. --
Created 2011 Ky. Acts ch. 87, sec. 2, effective June 8, 2011.

309.327 Use of titles -- Application and construction of KRS 309.325 to 309.339. (Effective July 1, 2014)

- (1) A person shall use the title "master licensed diabetes educator," "licensed diabetes educator," or "apprentice diabetes educator" or hold himself or herself out as a "master licensed diabetes educator," "licensed diabetes educator," or "apprentice diabetes educator" or a title substantially similar, or engage in the practice of diabetes education, display a sign or in any other way advertise or present himself or herself as a person who practices diabetes education only if he or she holds a current, unsuspended and unrevoked license or permit issued by the board pursuant to KRS 309.325 to 309.339.
- (2) Nothing in KRS 309.325 to 309.339 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists or students in accredited training programs in those professions, and nothing in KRS 309.325 to 309.339 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.325 to 309.339 shall be construed to alter, amend, or interfere with the practice of those who provide health care services, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists.
- (4) Nothing in KRS 309.325 to 309.339 shall apply to activities and services of an accredited institution of higher education as part of a program of studies.

Effective: July 1, 2014

History: Amended 2013 Ky. Acts ch. 118, sec. 4, effective July 1, 2014. -- Amended 2012 Ky. Acts ch. 142, sec. 2, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 87, sec. 2, effective June 8, 2011.

309.328 Penalty for violation of KRS 309.327(1).

Any person who violates KRS 309.327(1) shall be guilty of a Class A misdemeanor.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 142, sec. 3, effective July 12, 2012.

309.329 Kentucky Board of Licensed Diabetes Educators.

- (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators consisting of five (5) members who shall be appointed by the Governor as follows:
 - (a) One (1) member shall be a licensed medical physician with experience in the delivery of diabetes education appointed from a list of three (3) names submitted by the State Board of Medical Licensure;
 - (b) One (1) member shall be a registered nurse with experience in diabetes education appointed from a list of three (3) names submitted by the Kentucky Board of Nursing;
 - (c) One (1) member shall be a pharmacist experienced in diabetes education, licensed under KRS Chapter 315, and appointed from a list of three (3) names submitted by the Kentucky Board of Pharmacy;
 - (d) One (1) member shall be a licensed dietitian or certified nutritionist with experience in diabetes education appointed from a list of three (3) names submitted by the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists; and
 - (e) One (1) member shall be a citizen at large who is not employed in the health care field.

One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection shall have completed either the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators.
- (2)
 - (a) The Governor shall initially appoint one (1) member and the citizen at large to terms of four (4) years, two (2) members to terms of three (3) years, and one (1) member to a term of two (2) years.
 - (b) All reappointments to the board shall be for terms of four (4) years.
 - (c) No member shall serve more than two (2) consecutive terms and shall serve on the board until his or her successor is appointed.
- (3) The board shall organize annually and elect one (1) of its members as chair and one (1) of its members as secretary. A quorum of the board shall consist of three (3) members. The board shall meet at least semiannually and upon the call of the chair, or at the request of two (2) or more members to the secretary of the board.
- (4) The board shall be placed for administrative purposes under the Office of Occupations and Professions of the Public Protection Cabinet.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 3, effective June 8, 2011.

309.331 Duties of board.

The board shall:

- (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics, standards of practice, and continuing education requirements for licensed diabetes educators, based upon policies and positions adopted by the American Association of Diabetes Educators;
- (2) Issue initial licenses and license renewals to individuals. A license shall not be issued to a partnership, unincorporated association, corporation, or similar business organization;
- (3) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce KRS 309.325 to 309.339 and administrative regulations promulgated pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is authorized to:
 - (a) Administer oaths;
 - (b) Receive evidence;
 - (c) Interview persons;
 - (d) Require the production of books, papers, documents, or other evidence; and
 - (e) Institute civil and criminal proceedings against violators of KRS 309.325 to 309.339. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of KRS 309.325 to 309.339;
- (4) Keep a record of its proceedings and a register of all persons licensed as diabetes educators, including the name of the licensee, the license number, date of issue, and last known place of business. The list shall be available to anyone upon request and payment of a fee not to exceed the cost of the publication;
- (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339 and deposit all moneys into the fund established by KRS 309.333; and
- (6) Reimburse members of the board for actual travel expenses incurred for attending the meetings of the board.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 4, effective June 8, 2011.

309.333 Revolving fund.

- (1) All licensing amounts and other moneys received by the board pursuant to the provisions of this section and KRS 309.335 and 309.339 shall be deposited in the State Treasury to the credit of a revolving fund which is hereby established. Amounts in the fund shall be used for the purposes set forth in KRS 309.325 to 309.339.
- (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year to be used for the purposes established by the board.
- (3) Any interest earnings of the fund shall become part of the fund and shall not lapse.
- (4) The expenses of the board shall be paid from this revolving fund.
- (5) Moneys deposited in the fund shall be used and are hereby appropriated for the purposes specified in KRS 309.325 to 309.339.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 5, effective June 8, 2011.

309.334 Apprentice diabetes educator -- Administrative regulations.

- (1) An applicant for a permit as an apprentice diabetes educator shall:
 - (a) File a written application on forms provided by the board in order to practice and earn the experience required for a type of license application;
 - (b) Engage in the practice of diabetes education while receiving qualifying experience with a board-approved supervisor who shall assume responsibility for and supervise the apprentice diabetes educator's practice;
 - (c) Not practice diabetes education until a supervisor has been approved by the board;
 - (d) Cease the practice of diabetes education immediately upon the supervisor's inability or unwillingness to act as the supervisor; and
 - (e) Upon gaining the required supervision hours and completing a board-approved diabetes educator course, apply for licensure as a licensed diabetes educator.
- (2) The board shall promulgate administrative regulations to do the following, including but not limited to:
 - (a) Establish the duties of the apprentice diabetes educator supervisor;
 - (b) Establish fees; and
 - (c) Establish additional requirements for an apprentice diabetes educator permit as the board determines are necessary.

Effective: June 25, 2013

History: Created 2013 Ky. Acts ch. 118, sec. 2, effective June 25, 2013.

309.335 Diabetes educator license -- Requirements -- Renewal -- Issuance of license before July 1, 2014 -- Application for licensure before May 1, 2014.

- (1) An applicant for licensure as a diabetes educator shall:
 - (a) File a written application on forms provided by the board;
 - (b) Provide evidence to the board showing successful completion of one (1) of the following:
 1. A board-approved course in diabetes education with demonstrable experience in the care of people with diabetes under supervision that meets requirements specified in administrative regulations promulgated by the board;
 2. The credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators; or
 3. An equivalent credentialing program as determined by the board; and
 - (c) Pay licensing amounts as promulgated by the board through administrative regulation, with the following restrictions:
 1. Initial licensing shall not exceed one hundred dollars (\$100);
 2. Annual renewal shall not exceed one hundred dollars (\$100);
 3. Biennial renewal shall not exceed two hundred dollars (\$200);
 4. Late renewal shall not exceed one hundred fifty dollars (\$150); and
 5. The reinstatement fee shall not exceed two hundred twenty-five dollars (\$225).
- (2)
 - (a) Licenses or permits shall be renewed annually or biennially if the board requires biennial license renewal by administrative regulation.
 - (b) Licenses or permits not renewed within thirty (30) days after the renewal date shall pay a late penalty as promulgated by the board in administrative regulation.
 - (c) Licenses or permits not renewed within ninety (90) days of the renewal date shall lapse and may only be reinstated with payment of a reinstatement fee and initial licensing amount as promulgated by the board in administrative regulation.
 - (d) An apprentice diabetes educator shall not carry a permit for more than five (5) years without becoming licensed.
- (3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a person who the board finds to have successfully achieved a core body of knowledge and skills in the biological and social sciences, communication, counseling, and education, by training or instruction, as well as experience in the care of people with diabetes under supervision that meets the requirements specified in administrative regulations promulgated by the board, may be issued an initial license by the board upon payment of an initial licensing fee, completion of a written application on forms provided by the board, and submission of any other information requested by the board.
- (4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who have practiced diabetes education for a minimum of one thousand (1,000) hours per year for the past three (3) years, but are not currently credentialed by the American Association of Diabetes Educators as a board-certified advanced diabetes manager or by the National Certification Board for Diabetes Educators as a certified diabetes educator, may apply to the board for licensure as a diabetes educator by submitting the initial licensure fee and

proof of employment, in order to continue to practice diabetes education, as defined by KRS 309.325(2).

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 118, sec. 5, effective June 25, 2013. --
Created 2011 Ky. Acts ch. 87, sec. 6, effective June 8, 2011.

309.336 Master licensed diabetes educator -- Administrative regulations.

- (1) An applicant for licensure as a master licensed diabetes educator shall:
 - (a) File a written application on forms provided by the board; and
 - (b) Provide proof of completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators as a certified advanced diabetes manager or a certified diabetes educator.
- (2) The board shall promulgate administrative regulations to do the following, including but not limited to:
 - (a) Establish a fee for licensure; and
 - (b) Establish additional requirements for a master licensed diabetes educator as the board determines are necessary.

Effective: June 25, 2013

History: Created 2013 Ky. Acts ch. 118, sec. 3, effective June 25, 2013.

309.337 Continuing education requirements.

- (1) When renewing a license, each licensee shall provide to the board documentation of the successful completion of fifteen (15) hours of board-approved continuing education credits. A maximum of fifteen (15) additional hours may be carried over into the next renewal period.
- (2) Waivers or extensions of continuing education may be approved at the discretion of the board.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 7, effective June 8, 2011.

309.339 Grounds for refusal to issue or renew a license, suspension or revocation of a license, administrative reprimand, probation, or fine -- Hearing.

- (1) The board may deny or refuse to renew a license, may suspend or revoke a license, may issue an administrative reprimand, or may impose probationary conditions or fines not to exceed five hundred dollars (\$500) when the licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct shall include the following:
 - (a) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the board;
 - (b) Being convicted of a felony in any court if any act for which the licensee or applicant for license was convicted is determined by the board to have a direct bearing on whether the person is trustworthy to serve the public as a licensed diabetes educator. "Conviction," as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere in a court of law;
 - (c) Violating any lawful order or administrative regulation promulgated by the board;
 - (d) Violating any provision of KRS 309.325 to 309.339 or administrative regulation promulgated by the board;
 - (e) Evidence of gross negligence or gross incompetence in the practice of diabetes education; and
 - (f) Violating the standards of practice or the code of ethics as promulgated by administrative regulations.
- (2) All administrative hearings for the disciplinary action against a license or certificate holder shall be conducted in accordance with KRS Chapter 13B.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 8, effective June 8, 2011.

KENTUCKY ADMINISTRATIVE REGULATIONS

General Government Cabinet

Kentucky Board of Licensed Diabetes Educators

201 KAR 45:001. Definitions for 201 KAR Chapter 45.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation establishes the definitions to be used in those administrative regulations.

Section 1. Definitions.

- (1) “Apprentice diabetes educator” is defined by KRS 309.325(5).
- (2) “Board” is defined by KRS 309.325(1).
- (3) “Diabetes education” is defined by KRS 309.325(2).
- (4) “Diabetes educator” means:
 - (a) A “licensed diabetes educator” as defined by KRS 309.325(3);
 - (b) A “master licensed diabetes educator” as defined by KRS 309.325(4); or
 - (c) An “apprentice diabetes educator” as defined in KRS 309.325(5).
- (5) “Licensed diabetes educator” is defined by KRS 309.325(3).
- (6) “Master licensed diabetes educator” is defined by KRS 309.325(4).
- (7) “Supervisor” means a licensed diabetes educator as defined by KRS 309.325(3) in good standing, or a master licensed diabetes educator as defined by KRS 309.325(4) in good standing.
- (8) “Work experience” means the hours spent performing the services and tasks and drafting documentation and reports necessary for providing diabetes education to a person with diabetes or the caregiver of someone with diabetes, or the hours spent interacting with a supervisor.

General Government Cabinet

Kentucky Board of Licensed Diabetes Educators

201 KAR 45:070. Application procedures for current practitioners.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. KRS 309.335 requires the Board to promulgate application procedures for currently practicing diabetes educators to apply for licensure. This administrative regulation establishes the application procedures for currently practicing diabetes educators.

Section 1. Persons with experience in the care of people with diabetes. Prior to July 1, 2014, a person who has a core body of knowledge and skills and experience in the care of people with diabetes as specified in KRS 309.335(3) may apply for licensure by submitting the following to the board:

- (1) A completed Application for Licensure, Form DE-01, incorporated by reference in 201 KAR 45:110;
- (2) Payment of the licensure fee as established in 201 KAR 45:100; and
- (3) A letter from the applicant's employer verifying the applicant's current scope of practice is within the scope of practice as defined in 201 KAR 45:160.

Section 2. Persons who have practiced diabetes education for the past three years. Prior to May 1, 2014, a person who has practiced diabetes education for a minimum of 1,000 hours per year for the past three years as specified in KRS 309.335(4) may apply for licensure by submitting the following to the board:

- (1) A completed "Application for Licensure", Form DE-01;
- (2) Payment of the licensure fee as established in 201 KAR 45:100;
- (3) Letters from one or more supervisors who can attest that the applicant has practiced diabetes education within the last three years.
 - (a) The letters combined shall indicate that the applicant has practiced a total of at least 1,000 hours of diabetes education within the past three years.
 - (b) Each letter shall verify that the applicant's practice of diabetes education is within the scope of practice as defined in 201 KAR 45:160; and
- (4) A letter of recommendation from a health care professional who works in the diabetes field.

Section 3. A person who has practiced diabetes education between November 1, 2012 and November 1, 2013 may count hours of diabetes education practiced during that time toward the hours of supervised work experience required by 201 KAR 45:110 Section 1 by submitting a letter to the Board from that person's employer verifying that the person has performed those hours of diabetes education.

General Government Cabinet
Kentucky Board of Licensed Diabetes Educators.
201 KAR 45:100 Fees.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.335 requires the board to promulgate an administrative regulation establishing the initial fee, annual fee and late renewal fee for licensure as a diabetes educator. This administrative regulation establishes fees for licensure as a diabetes educator.

Section 1. Licensure Fee. The fee for licensure as a licensed diabetes educator, apprentice diabetes educator, or master licensed diabetes educator shall be fifty dollars (\$50).

Section 2. Renewal and Reinstatement.

- (1) The renewal date for all licenses issued by the board shall be November 1 of each calendar year.
- (2) The following fees shall be paid for renewals and reinstatements for licenses issued by the board:
 - (a) The renewal fee on or before December 2 shall be fifty (\$50) dollars annually.
 - (b) The renewal fee after December 2 but before January 30 shall be the licensure fee as set forth in Section 1 of this administrative regulation, plus a twenty (\$20) dollar late fee.
 - (c) The reinstatement fee after January 30 of an expired license due to failure to renew shall be \$120.

General Government Cabinet
Kentucky Board of Licensed Diabetes Educators.
201 KAR 45:110. Supervision and work experience.

RELATES TO: KRS 309.331

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. This administrative regulation establishes the amount of work experience required for licensure and the qualifications to be a supervisor.

Section 1. Accumulation of Work Experience. An apprentice diabetes educator shall accumulate at least 750 hours of supervised work experience within five (5) years from the date of application for licensure, of which 250 hours shall have been obtained within the last twelve (12) months preceding licensure application.

Section 2. Supervision.

- (1) (a) The apprentice diabetes educator shall interact with the supervisor no less than two (2) hours per month in any month in which the apprentice accumulates work experience to discuss the apprentice diabetes educator's work with clients and review the apprentice diabetes educator's provision of diabetes self-management education.
- (b) The apprentice diabetes educator shall interact with the supervisor no less than two (2) hours quarterly while being physically present in the same room.
- (2) The hours of work experience and verification by the apprentice diabetes educator and supervisor shall be documented on the Application for Licensure, Form DE-01.
- (3) A supervisor shall not serve as a supervisor for more than four (4) apprentice diabetes educators at a time.
- (4) The supervision process shall focus on:
 - (a) Identifying strengths, developmental needs, and provide direct feedback to foster the professional development of the apprentice diabetes educator;
 - (b) Identifying and providing appropriate resources to facilitate learning and professional growth;
 - (c) Developing awareness of professional and ethical responsibilities in the practice of diabetes education; and
 - (d) Ensuring the safe and effective delivery of diabetes education services and fostering the professional competence and development of the apprentice diabetes educator.

Section 3. Documentation requirements. The documentation required by the Supervised Work Experience Report, Form DE-05 shall be maintained for a period of five years and provided to the Board at the request of the Board.

Section 4. Incorporated by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Licensure", Form DE-01 (06/2013);
 - (b) "Supervised Work Experience Report", Form DE-05 (06/2013).

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

General Government Cabinet

Kentucky Board of Licensed Diabetes Educators

201 KAR 45:120. Renewal, reinstatement, and inactive status.

RELATES TO: KRS 309.331, 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations establishing procedures for annual renewal and reinstatement of licenses. This administrative regulation establishes procedures for annual renewal and reinstatement of licenses.

Section 1. Regular License Renewal.

- (1) A licensed diabetes educator or master licensed diabetes educator shall submit the following to the board by November 1 of each year:
 - (a) A completed Renewal Application, Form DE-02;
 - (b) Proof of the required continuing education as set forth in 201 KAR 45:130; and
 - (c) The renewal fee established in 201 KAR 45:110.
- (2) If a license is not renewed by January 30 of the new licensure year, it shall automatically expire.

Section 2. Reinstatement.

- (1) An expired license shall be reinstated upon the licensee:
 - (a) Paying the required fees established in 201 KAR 45:110; and
 - (b) Submitting proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year since the last date the license was active.
- (2) An expired license may be reinstated within five (5) years of the date of expiration.

Section 3. Inactive Status.

- (1) A licensee may place his license in inactive status by submitting written notice to the board prior to November 1.
- (2) An individual with an inactive license shall not be permitted to practice diabetes education while the license is inactive. A licensee may remain in inactive status for a maximum of five (5) years.
- (3) During the period of inactive status, the licensee shall not be required to meet the annual continuing education requirements as established in 201 KAR 45:130. Upon licensee's request for licensure reactivation, licensee shall provide proof of completion of proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year the license was inactive.

- (4) An individual shall submit in writing a request to the board to be placed back in active status. The request shall be submitted at least one (1) week in advance of the board's regularly scheduled board meeting.

Section 4. Regular Permit Renewal.

- (1) An apprentice diabetes educator shall submit to the board by November 1 of each year:
 - (a) A completed "Renewal Application," Form DE-02;
 - (b) Proof of the required continuing education as set forth in 201 KAR 45:130; and
 - (c) The renewal fee as set forth in 201 KAR 45:100.
- (2) If a permit is not renewed by January 30 of the new licensure year, it shall automatically expire, and the apprentice diabetes educator shall reapply for a permit as provided in KRS 309.334. No work experience accumulated shall carry over between permits.

Section 5. Incorporation by reference.

- (1) "Renewal Application", Form DE-02 (06/2013), is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

General Government Cabinet
Kentucky Board of Licensed Diabetes Educators
201 KAR 45:130. Continuing education.

RELATES TO: KRS 309.337

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.337 requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for licensed diabetes educators.

Section 1. Accrual of Continuing Education Hours.

- (1) (a) The annual continuing education accrual period shall be from November 1 of each year to October 31 of the next year.
- (b) Prior to renewal of a license for the next licensure period, a licensee shall have earned fifteen (15) hours of approved continuing education.
- (2) More than fifteen (15) hours of continuing education shall not be carried over into the next continuing education period.
- (3) It shall be the responsibility of each licensee to finance the costs of continuing education.

Section 2. Methods of Acquiring Continuing Education Hours.

- (1) Continuing education hours for license renewal shall be applicable to diabetes and presented at a professional level that enhances the quality and effectiveness of diabetes self-management education.
- (2) A licensee shall obtain continuing education courses from any of the following continuing education providers or programs approved by the providers:
 - (a) American Association of Diabetes Educators (AADE);
 - (b) American Diabetes Association (ADA)
 - (c) Academy of Nutrition and Dietetics (AND);
 - (d) Accreditation Council for Pharmacy Education (ACPE);
 - (e) Accreditation Council for Continuing Medical Education (ACCME-AMA);
 - (f) American Nurses Credentialing Center (ANCC);
 - (g) American Academy of Family Physicians (AAFP);
 - (h) American Academy of Nurse Practitioners (AANP);
 - (i) American Academy of Optometry (AAO);
 - (j) American Academy of Physician Assistants (AAPA);
 - (k) American Association of Clinical Endocrinologists (AACE);
 - (l) American College of Endocrinology (ACE);
 - (m) American College of Sports Medicine (ACSM);
 - (n) American Medical Association (AMA) or its Kentucky affiliate;
 - (o) American Nurses Association (ANA);
 - (p) American Occupational Therapy Association (AOTA);
 - (q) American Physical Therapy Association (APTA);
 - (r) American Psychological Association (APA);
 - (s) Commission on Dietetic Registration (CDR);
 - (t) Council on Continuing Medical Education (CCME-AOA);
 - (u) Council on Podiatric Medical Education (CPME-APMA);

- (v) International Diabetes Federation (IDF);
- (w) National Association of Clinical Nurse Specialists (NACNS);
- (x) National Association of Social Workers (NASW);
- (y) Kentucky Board of Nursing (KBN);
- (z) Kentucky Board of Pharmacy;
- (aa) Kentucky Board of Medical Licensure; or
- (ab) Kentucky Nurses Association (KNA).

Section 3. Recordkeeping of Continuing Education Hours.

- (1) A licensee shall maintain a record of all continuing education courses attended for two (2) years after attending the course.
- (2) Appropriate documentation to be kept shall include:
 - (a) Proof of attendance;
 - (b) Date of activity;
 - (c) Description of activity;
 - (d) Total hours of instruction, excluding breaks; and
 - (e) Names and professional qualifications of the presenters.
- (3) (a) Each licensee shall sign a statement on the Renewal Application form incorporated by reference in 201 KAR 45:120, indicating compliance with the continuing education requirements.
- (b) A license shall not be renewed without licensee signing this sworn statement.

Section 4. Reconsideration.

- (1) A licensee may request the board to reconsider its denial of a continuing education course by filing a written request with the board.
- (2) (a) A licensee shall file the request for reconsideration pursuant to KRS Chapter 13B within thirty (30) calendar days of notification of the denial.
- (b) The request will be reviewed by the board at its next regularly scheduled meeting.

General Government Cabinet
Kentucky Board of Licensed Diabetes Educators
201 KAR 45:140. Code of ethics.

RELATES TO: KRS 309.331 and 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY KRS 309.331(1) requires the board to promulgate a code of ethics for licensed diabetes educators. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Patients.

- (1) A diabetes educator shall:
 - (a) Provide services with respect for the uniqueness, dignity and autonomy of each individual and;
 - (b) Advance and protect the welfare of the patient.
- (2) A diabetes educator shall not:
 - (a) Recommend the use of a specific product or service based solely on the educator's relationship with the manufacturer of the product or provider of the service.

Section 2. Confidentiality. A diabetes educator shall respect and guard the confidences of each patient, maintaining all records according to state and federal law.

- (1) A diabetes educator shall not disclose a patient confidence except:
 - (a) As mandated or permitted by law;
 - (b) If the diabetes educator is a defendant in a civil, criminal or disciplinary action arising from services provided, confidences may be disclosed only in the course of that action; or
 - (c) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver.
- (2) A diabetes educator may use patient or clinical materials in teaching, writing, and public presentations if:
 - (a) A written waiver has been obtain in accordance with subsection (1)(c); or
 - (b) Appropriate steps have been taken to protect patient identity and confidentiality.

Section 3. Professional Competence and Integrity. A diabetes educator shall maintain standards of professional competence and integrity and hold himself or herself out in a manner that demonstrates honesty, integrity and fairness and shall be subject to disciplinary action for:

- (1) Having been subject to disciplinary action by another regulatory agency;
- (2) Impairment due to mental incapacity or the abuse of substances which negatively impacts the practice of diabetes education;
- (3) Conviction, as used in KRS 309.339, of a felony or a misdemeanor;
- (4) Refusing to comply with an order or request from the board; or
- (5) Failure to cooperate with the board by not:
 - (a) Furnishing in writing a complete explanation to a complaint filed with the board; or
 - (b) Appearing before the board at the time and place designated; or
- (6) Failure to provide the board with new contact information within thirty (30) business days the changes is effective.

Section 4. Supervisor's Responsibility. A supervisor shall not permit an apprentice diabetes educator under the supervisor's supervision to hold himself or herself out as competent to perform professional services beyond the apprentice's level of training, experience, and competence. A supervisor shall promptly notify the board in writing if an apprentice diabetes educator under the supervisor's supervision holds himself or herself out as competent to perform professional services beyond the apprentice's level of training, experience, and competence.

Section 5. Diabetes Educator's Responsibility. A diabetes educator shall not represent that he or she is competent to perform professional services beyond his or her level of training, experience, and competence.

Section 6. Financial Arrangements.

- (1) A diabetes educator shall make financial arrangements with a patient, apprentice diabetes educator, or third party payor that are reasonably understandable and conform to accepted professional practices.
- (2) A diabetes educator shall:
 - (a) Not offer or accept payment for referrals;
 - (b) Not charge excessive fees for services;
 - (c) Disclose his or her fees to patients at the beginning of services; and
 - (d) Represent facts truthfully to patients and third party payors regarding services rendered.

Section 7. Advertising. A diabetes educator shall:

- (1) Accurately represent his or her education, training and experience relevant to the practice of diabetes education;
- (2) Not make false, fraudulent, misleading or deceptive claims or any statement intended to or likely to create an unjustified expectation.

Section 8. Board Member Responsibilities.

- (1) A board member shall recuse himself or herself in matters in which:
 - (a) The board member is the supervisor of the apprentice diabetes educator at issue; and
 - (b) The board member will be providing a course in diabetes education pursuant to KRS 309.335(1)(b)(1).
- (2) A board member shall not receive compensation for providing a board-approved course in diabetes education pursuant to KRS 309.335(1)(b)(1) that is excessive.

General Government Cabinet
Kentucky Board of Licensed Diabetes Educators
201 KAR 45:150. Complaint procedures.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation provides for the complaint procedures to be used by the board in the enforcement of those statutes and administrative regulations promulgated thereunder.

Section 1. Definitions.

- (1) “Board” is defined by KRS 309.325(1).
- (2) “Charge” means a specific allegation contained in any document issued by the board alleging a violation of a specified provision of KRS 309.325 through 309.339.
- (3) “Complaint” means a written complaint alleging a violation of KRS 309.325 through 309.339.
- (4) “Complainant” means a person who files a complaint pursuant to this administrative regulation.
- (5) “Formal complaint” means a formal administrative pleading authorized by the board that establishes a charge against a licensee or applicant and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B.

Section 2. Complaints. A complaint:

- (1) Shall be submitted by completing a “Complaint Form”, Form DE-06 and signed by the person offering the complaint; or
- (2) May be filed by the board based upon information in its possession.

Section 3. Receipt of Complaints.

- (1) A copy of the complaint shall be mailed to the individual named in the complaint along with a request for that individual’s response to the complaint.
- (2) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response to the board.
- (3) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.
- (4) The complainant shall have seven (7) days from receipt to submit a written reply to the response to the board.

Section 4. Initial Review.

- (1)
 - (a) After the receipt of the complaint and the expiration of the period for the individual response, the board shall consider the individual’s response, complainant’s reply to the response, and any relevant material available.
 - (b) The names of the individuals and other identifying information shall be redacted to provide anonymity.
 - (c) The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

- (2) If the board determines before formal investigation that a complaint is without merit, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall conduct a formal investigation into the matter.

Section 5. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the board shall determine whether there has been a prima facie violation of KRS 309.325 to 309.339 or the administrative regulations promulgated thereunder. If so, a formal complaint shall be filed.
- (2) If the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the license holder.
 - (a) A copy of the written admonishment shall be placed in the permanent file of the license holder.
 - (b) The license holder shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in the license holder's permanent file.
 - (c) Alternatively, the license holder may file a request for a hearing with the board within thirty (30) days of the admonishment.
 - (d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) (a) If the board determines that a complaint warrants the issuance of a formal complaint against the license holder, the board or its counsel shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.
 - (b) 1. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.
 2. The formal complaint shall be processed in accordance with KRS Chapter 13B.

Section 6. Settlement by Informal Proceedings.

- (1) The board, through counsel, may enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.
- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the chair and the individual who is the subject of the complaint.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Incorporation by Reference.

- (1) "Complaint Form", Form DE-06 (6/2013) is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

General Government Cabinet

Kentucky Board of Licensed Diabetes Educators

201 KAR 45:160 Scope of practice.

RELATES TO: KRS 309.331, 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. This regulation establishes the functions that a diabetes educator may perform.

Section 1. A person holding a license or a permit from the board may perform the following functions:

- (1) Provide education and support for people with diabetes, people at risk for diabetes, and caregivers of those with diabetes;
- (2) Communicate and coordinate with other health care professionals to provide education and support for people with diabetes, people at risk for diabetes, and caregivers of those with diabetes;
- (3) Provide diabetes self-management services, including activities that assist a person in implementing and sustaining the behaviors needed to manage diabetes on an ongoing basis;
- (4) Determine the persons to whom diabetes education and services will be provided, how those education and services may be best delivered, and what resources will assist those persons;
- (5) Develop a program for diabetes management, which may include:
 - (a) Describing the diabetes treatment process and treatment options;
 - (b) Incorporating nutritional management into lifestyle;
 - (c) Incorporating physical activity into lifestyle;
 - (d) Using medications safely and effectively;
 - (e) Monitoring blood glucose and other parameters and interpreting and using the results for self-management and decision making;
 - (f) Preventing, detecting, and treating acute and chronic complications of diabetes;
 - (g) Developing personal strategies to address psychosocial issues and concerns; or
 - (h) Developing personal strategies to promote health and behavior change;
- (6) Develop an individualized education and support plan focused on behavior change, which shall be documented in an education or health record;
- (7) Develop a personalized follow-up plan for ongoing self-management support, and communicate that follow-up plan to other health care providers as necessary;
- (8) Monitor if participants are achieving their personal diabetes self-management goals and other outcomes using the following appropriate frameworks and measurement techniques:

- (a) Physical activity;
 - (b) Healthy eating;
 - (c) Taking medication;
 - (d) Monitoring blood glucose;
 - (e) Diabetes self-care related problem solving;
 - (f) Reducing risks of acute and chronic complications of diabetes;
 - (g) Evaluation of the psychosocial aspects of living with diabetes; or
- (9) Evaluate the effectiveness of the education and services, and engage in a systematic review of process and outcome data.